



DOCKET: 9847-0058-6X PCT  
ENKEL 8359

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Par HOLMBERG, et al. : EXAMINER: DOERRLER, W.  
SERIAL NO: 09/554,912 : RCE FILED: HEREWITH  
FILED: AUGUST 18, 2000 : GROUP ART UNIT: 3744  
FOR: MAGNETIC ENERGY STORAGE

PETITION FOR SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a) AND  
REQUEST FOR A SECOND SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a),  
PURSUANT TO MPEP § 1002.02(c)9

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

It is respectfully requested that prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a). Applicants also request a second suspension of time for an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

As explained in MPEP § 709A, a petition for suspension of action under 37 C.F.R. § 1.103(a) must:

- (a) be presented as a separate paper;
- (b) be accompanied by the petition fee set forth in 37 C.F.R. § 1.17(h);
- (c) request a specific and reasonable period of suspension not greater than six months; and
- (d) present good and sufficient reasons why suspension is necessary.

The present Petition complies with the above-identified requirements as it is (a) presented in a separate paper, (b) is accompanied by the petition fee, (c) requests a specific and reasonable period of suspension, initially six months, followed by a concurrent request for a second suspension of action for an additional six months, and (d) presents good and sufficient reasons why this suspension is necessary, as described below.

The subject patent application is one of more than 100 related U.S. patent applications, all of which contain related subject matter. These applications have been handled as a group within TC2800 and have been handled according to special procedures as described in paper No. 11 of U.S. Patent Application 09/147,325, which is the Office of the Deputy Assistant Commissioner for Patent Policy and Projects' "Response to Petition under 37 C.F.R. § 1.82 Seeking Special Treatment Relating to an Electronic Search Tool, and Decision on Petition under 37 C.F.R. § 1.183 Seeking Waiver of Requirements under 37 C.F.R. § 1.98." The basis of the special procedures is that all of the applications contain related subject matter.

During prosecution, a large majority of the applications, including the subject application, have been rejected based on common arguments. Rather than appeal all of the rejected cases to challenge these rejections, Applicants, after consulting with Director of TC2800, Mr. Richard Seidel, and Supervisory Primary Examiner, Elvin Enad, are proceeding to appeal the rejections in at least U.S. Application No. 08/973,019, since the issues being presented on appeal are relevant to the present application. Because it is unlikely that the claims in the present application will be allowed until the issues on appeal are resolved, Applicants respectfully request suspension of action by the Office in the subject application. Since the decision by the Board of Patent Appeals and Interferences will influence so many cases, a speedy decision is expected within the next 12 months. The request for the second suspension is made herewith because it is unlikely that the decision will be made within the

next 6 months. Thus it is respectfully submitted that there are good and sufficient reasons why the suspension of action is necessary in this case.

There are no outstanding Office Actions in the present application at this time because either (1) the application has not yet been examined, or (2) a response to a last Office Action has been filed or is being filed concurrently with this Petition. If a response to the last Office Action has been filed, Petitioner warrants to the USPTO that the response is a complete response that addresses all rejections and objections in the last Office Action and Petitioner has no intention to modify or supplement that response unless required to do so in response to one or more provisions of any Board or Court opinion(s) in appealed case SN 08/973,019.

Consequently, it is respectfully submitted that the present Petition meets the requirements of 37 C.F.R. § 1.103(a). Furthermore, Applicants respectfully request that the Petition to suspend action for six months be granted, and Applicants' Request for a second six month suspension of action also be granted. The fee as required under §1.17(h) for the present petition of \$130.00 is enclosed.

In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR § 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. § 1.136 for the necessary extension of time. A duplicate of this paper is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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